



**DEPARTMENT OF HOMELAND SECURITY
U.S. Citizenship & Immigration Services
Frankfurt, Germany**

**Instructions for Filing Form I-601, Application for Waiver of Ground of Inadmissibility with USCIS
Frankfurt**

WHY AM I BEING GIVEN INSTRUCTIONS ON HOW TO FILE A FORM I-601?

You have applied for an immigrant, K, or V visa with the Department of State in Frankfurt, Germany; and,

During the course of your immigrant, K, or V visa process, you were informed by a Department of State Consular Officer or a USCIS officer that you need a waiver because you were inadmissible to the United States pursuant to one or more of the following:

Section 212(a)(1) health-related grounds;

Section 212(a)(2) criminal and related grounds;

Section 212(a)(3)(D) immigrant membership in a totalitarian party related grounds;

Section 212(a)(6)(C) fraud and/or misrepresentation in immigration matters related grounds;

Section 212(a)(6)(E) smuggler-related grounds;

Section 212(a)(6)(F) for being subject to civil penalty; or

Section 212(a)(9)(B) for accrual of unlawful presence in the U.S. for at least 180 days, beginning on or after April 1, 1997, followed by departure from the U.S.

WHO MAY FILE THE FORM I-601 WITH THE USCIS FRANKFURT OFFICE?

You can file Form I-601 with USCIS Frankfurt ONLY if you have applied for an immigrant, K or V visa with the Department of State's Consular Section in Frankfurt, Germany and you have been informed that you require a waiver for an inadmissibility under Section 212(a)(1), Section 212(a)(2), Section 212(a)(3)(D), Section 212(a)(6)(C), Section 212(a)(6)(E), Section 212(a)(6)(F), or Section 212(a)(9)(B) of the Immigration and Nationality Act.

If you have applied for an immigrant, K or V visa with the Department of State in another location, please contact the Department of State to determine where you should file your Form I-601 or if you are applying to adjust status in the United States, please contact your local USCIS office in the United States to determine your Form I-601 filing location.

HOW DO I FILE FORM I-601 WITH USCIS FRANKFURT?

Form I-601 may be filed by mail or in person with the USCIS Frankfurt office.

In-Person

Appointments to file in person can be made through the INFOPASS website at <http://infopass.uscis.gov> for Monday, Wednesday and Friday between the hours of 8:00am and 11:00am except on German and American holidays.

By Mail

Completed applications and filing fees can be mailed to the USCIS Frankfurt office. The regular mailing address is:



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US Consulate General, USCIS, Giessener Str. 30, 60435 Frankfurt

The APO mailing address is:

US Consulate General, USCIS, PSC 115 Box 1019, DPO AE 09213-0115.

GENERAL FILING CHECKLIST AND PREPARATION INSTRUCTIONS

- ☐ 1. Completed and signed Form I-601, Application for Waiver of Grounds of Inadmissibility. You may find the most recent version of the Form I-601 and the official Form I-601 instructions at the main USCIS website at www.USCIS.gov. **Please review the form and carefully follow the instructions.**
- ☐ 2. Applicable Supporting Evidence [as listed on the official Form I-601 Instructions] including a hardship letter[s] from qualifying family member[s] and supporting documentation.
- ☐ 3. Copy of Department of State Refusal Letter, OF-194, regarding need for a waiver.
- ☐ 4. **FILING FEE of \$585.00.** The **\$585.00** fee must be a US Dollar cashier's check, US Dollar money order, international bank draft made payable to the US Citizenship & Immigration Services, Visa or MasterCard. **DO NOT MAIL CASH OR PERSONAL CHECKS.** If you are filing the application in person, cash in US dollars or Euros equivalent may be used.
- ☐ 5. Copy of proof of status of Qualifying Family Member[s] such as US birth certificate, biographic page of US passport or Form I-551, Alien Registration Card ["green card"].
- ☐ 6. Copies of any criminal convictions and/or court records.
- ☐ 7. Any document presented to USCIS that is not in English **MUST** also be accompanied by a **COMPLETE** translation into the English language. The person that completes the translation must list his/her name and indicate he/she is fluent in both the English and foreign language and that the translation is complete and accurate.
- ☐ 8. **FOR K VISA APPLICANTS ONLY**, submit completed Form DS-221, Two-Way Visa Action Request and Response form [this form should have been provided to you by the Department of State].

PLEASE SUMIT YOUR APPLICATION ONLY IF SIGNED AND ACCOMPANIED BY ALL SUPPORTING DOCUMENTATION AND FEE. INCOMPLETE PACKAGES WILL DELAY PROCESSING. IF ADDITIONAL EVIDENCE IS REQUIRED, OUR OFFICE WILL CONTACT YOU.

PROCESSING TIME

The **average** processing time for a properly filed application after it has been received by our office is 150 to 180 days. Please note that properly filed means that all the forms have been signed correctly and the correct filing fees have been submitted. If an application is not properly filed, it will be rejected and returned to you with a notice regarding the deficiencies.

USCIS FRANKFURT OFFICE CONTACT INFORMATION

Telephone: (+49) 69 7535-2233
Fax: (+49) 69 7410971
Email: USCIS.Frankfurt@dhs.gov



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ADDITIONAL IMPORTANT INFORMATION REGARDING FORM I-601 WAIVER APPLICATION AND EXTREME HARDSHIP

You have been advised by an American Consular Officer that you are inadmissible to the United States but that you are eligible to apply for a waiver of inadmissibility. Pursuant to Section 212 of the Immigration and Nationality Act, as amended, certain grounds of inadmissibility can be waived. To apply for a waiver you use Form I-601, *Application for Waiver of Grounds of Inadmissibility*.

The U.S. Congress limited the approval of some waiver provision to cases where the refusal of admission to the United States of the I-601 applicant would result in **extreme hardship to the United States citizen or lawful permanent resident spouse, parent, or, in some instances, a child**. By such limitation, it is evident that Congress did not intend that such waivers be granted merely due to the fact that a qualifying relationship existed. The key term in the provisions is "extreme" and thus, only in cases of real actual or prospective injury to the United States national or lawful permanent resident will the bar to admission be removed. Common results of the bar, such as separation, financial difficulties, etc., may in themselves be insufficient to warrant approval of an application unless combined with other extreme impacts [*Matter of Ngai*, 19 I & N Dec. 245 (BIA 1984)].

The United States citizen or lawful permanent resident for whom extreme hardship is claimed is known as the qualifying family member (QFM) of the applicant. The QFM can be the applicant's U.S. citizen or LPR spouse or parent, and in some circumstances, child. Extreme hardship must be demonstrated both if the United States citizen or lawful permanent resident qualifying family member remains in the United States and if s/he relocates to the country in which the I-601 applicant currently resides.

All claims of extreme hardship **must** be supported by documentary evidence and/or explanation specifying the hardship(s) that the qualifying family member is undergoing. Family separation and financial inconvenience, in and of themselves, do not necessarily constitute extreme hardship. Therefore, it is important for your qualifying family member to describe and document any other claim that might be a hardship. The requested information is necessary to render an equitable and fair decision on your Form I-601 application. Failure to provide supporting evidence may result in the denial of your waiver application and the possible inability to be admitted into the U.S. for a specific period of time or on a permanent basis.

Extreme hardship can be demonstrated in many aspects of your qualifying family members' lives, such as:

- a. **HEALTH** - Ongoing or specialized treatment requirements for a physical or mental condition; availability and quality of such treatment in the country where the I-601 applicant resides; anticipated duration of the treatment; whether a condition is chronic or acute, or long or short-term.
- b. **FINANCIAL CONSIDERATIONS** - Future employability; loss due to sale of home or business or termination of a professional practice; decline in standard of living; ability to recoup short-term losses; cost of extraordinary needs such as special education or training for children; cost of care for family members (e.g. elderly or infirm parents).
- c. **EDUCATION** - Loss of opportunity for higher education; lower quality or limited scope of education options; disruption of current program; requirement to be educated in a foreign language or culture with ensuing loss of time or grade; availability of special requirements such as training programs or internships in specific fields.
- d. **PERSONAL CONSIDERATIONS** - Close relatives in the United States and /or in the country where you reside; separation from spouse/children; ages of involved parties; length of residence and community ties in the United States.
- e. **SPECIAL FACTORS** - Cultural, language, religious, and ethnic obstacles; valid fears of persecution, physical harm, or injury; social ostracism or stigma; access to social institutions or structures.
- f. Any other situation that you feel may help you meet the burden of demonstrating extreme hardship.

Please be very detailed as to how you meet the "extreme hardship" burden. Keep in mind that the hardship must be to your qualifying family member - not to you. Should you wish to use the services of an immigration attorney or accredited representative you can view a list of free or low cost attorneys and organizations that may be willing to assist you at <http://www.usdoj.gov/eoir/probono/states.htm> .
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